

**DRAFT UNAPPROVED**

**VIRGINIA BOARD OF MEDICINE  
MINUTES**

<b>Thursday, February 22, 2007</b>	<b>Department of Health Professions</b>	<b>Richmond, VA</b>
<b>CALL TO ORDER:</b>	A panel of the Board was called to order at 1:59 p.m.	
<b>MEMBERS PRESENT:</b>	Malcolm L. Cothran, Jr., M.D., Chair Patrick W. Clougherty, M.D. Suzanne M. Everhart, D.O. Gopinath Jadhav, M.D. Juan M. Montero, II, M.D. Gen. Clara Adams-Ender, R.N.	
<b>STAFF PRESENT:</b>	Howard Casway, Sr. Assistant Attorney General, Board Counsel Renée S. Dixon, Discipline Case Manager	
<b>PARTIES ON BEHALF OF THE COMMONWEALTH:</b>	Wayne Halbleib, Assistant Attorney General Nancy L. Walsh, Adjudication Specialist	
<b>OTHERS PRESENT:</b>	Vicki Fox, Investigator [ <i>witness on behalf of Commonwealth</i> ] St. George Lee, M.D. [ <i>witness on behalf of Dr. Ryan</i> ]	
<b>COURT REPORTER:</b>	Comiller Boyd, Crane-Snead & Associates	
<b>MATTER SCHEDULED:</b>	<b>Lawrence B. Ryan, M.D.</b> <b>Case No.: 109979</b>	<b>License No.: 0101-231458</b>
<b>COMMONWEALTH'S EXHIBITS:</b>	Exhibits 1- 6 admitted into evidence	
<b>RESPONDENT'S EXHIBITS:</b>	Exhibit A admitted into evidence.	
<b>DISCUSSION:</b>	Dr. Ryan appeared before the Board in accordance with a Notice and Statement of Particulars dated January 22, 2007. He was represented by Stephen D. Rosenthal, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Ryan and other witnesses called to testify.	
<b>CLOSED SESSION:</b>	Upon a motion by Dr. Everhart, and duly seconded by Dr. Jadhav, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Ryan. Additionally, she moved that Mr. Casway and Ms. Dixon	

attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

**RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

**DECISION:** Upon a motion by Gen. Adams-Ender, and duly seconded by Dr. Everhart, the Board made certain Findings of Fact and Conclusions of Law, and voted to reinstate Dr. Ryan’s license to a full and unrestricted status upon payment of all required fees.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Board adjourned at 5:25 p.m.

*This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

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Malcolm L. Cothran, Jr., M.D., Chair	William L. Harp, M.D., Executive Director

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Date	Date

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**CALL TO ORDER:** A panel of the Board was called to order at 2:20 p.m.

<b>MEMBERS PRESENT:</b>	Stephen E. Heretick, J.D., Chair	Sandra A. Bell, M.D.
	Valerie L. Hoffman, D.C.	Claudette Dalton, M.D.
	Brent Lambert, M.D.	Ann T. Burks, J.D.

**STAFF PRESENT:** Amy Marschean, Sr. Assistant Attorney General, Board Counsel  
Jennifer L. Deschenes, Deputy Executive Director of the Board

**PARTIES ON BEHALF OF THE COMMONWEALTH:** William Clay Garrett, Assistant Attorney General  
Leigh Kiczales, Adjudication Specialist

**OTHERS PRESENT:** Andria Christian, Investigator *(witness for the Commonwealth)*

**COURT REPORTER:** Stacy D. Lawson, Crane-Snead & Associates

**MATTER SCHEDULED:** Richard C. Norton, M.D. License No.: 0101-043182  
Case No.: 109709

**COMMONWEALTH'S EXHS:** Exhibits 1-5 admitted into evidence

**RESPONDENT'S EXHIBITS:** Exhibits A & B admitted into evidence

**DISCUSSION:** Dr. Norton appeared before the Board in accordance with a Notice and Statement of Particulars dated January 22, 2007. He was not represented counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Norton and other witnesses called to testify.

**CLOSED SESSION:** Upon a motion by Dr. Dalton, and duly seconded by Dr. Lambert, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Norton. Additionally, she moved that Ms. Marschean and Ms. Deschenes attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

**RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

**DECISION & VOTE:** Upon a motion by Dr. Dalton, and duly seconded by Dr. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to reinstate Dr. Norton's license on indefinite probation with terms and conditions.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Board adjourned at 3:40 p.m.

*This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

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Stephen E. Heretick, J.D., Chair

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William L. Harp, M.D., Executive Director

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Date

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Date

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**CALL TO ORDER:** A panel of the Board was called to order at 3:52 p.m.

**MEMBERS PRESENT:** Stephen E. Heretick, J.D., Chair Sandra A. Bell, M.D.  
Valerie L. Hoffman, D.C. Claudette Dalton, M.D.  
Brent Lambert, M.D. Ann T. Burks, J.D.

**STAFF PRESENT:** Amy Marschean, Sr. Assistant Attorney General, Board Counsel  
Jennifer L. Deschenes, Deputy Executive Director of the Board

**PARTIES ON BEHALF OF  
THE COMMONWEALTH:** Charles R. Calton, Adjudication Specialist

**OTHERS PRESENT:** Debra Hay-Pierce, Compliance Case Mgr. (*on behalf of the  
Commonwealth*)

**COURT REPORTER:** Stayce Lawson, Crane-Snead & Associates

**MATTER SCHEDULED:** Peter W. Yim, M.D. License No.: 0101-028219  
Case No.: 108702

**COMMONWEALTH'S  
EXHIBITS:** Exhibits 1-6 admitted into evidence

**RESPONDENT'S EXHIBITS:** Exhibit A admitted into evidence

**PRELIMINARY MATTERS:** The Chair noted that the time was 3:53 p.m., and Dr. Yim was noticed to appear before the Board at 3:45 p.m. Mr. Calton proffered an affidavit signed by the Executive Director of the Board certifying that notice had been made to Dr. Yim's address of record with the Board. Further, Mr. Calton advised the Chair that a letter had just been received from Dr. Yim stating that he was currently in Korea practicing at a clinic there.

**RULING:** The Chair ruled that proper notice had been made to Dr. Yim, therefore, the formal hearing would proceed in his absence. Further, the letter from Dr. Yim would be marked as Respondent's Exhibit A and entered into evidence.

**DISCUSSION:** Dr. Yim did not appear before the Board in accordance with a Notice and Statement of Particulars dated January 22, 2007, nor was he represented by counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from witnesses called to testify.

**CLOSED SESSION:** Upon a motion by Dr. Dalton, and duly seconded by Dr. Lambert, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of

deliberation to reach a decision in the matter of Dr. Yim. Additionally, she moved that Ms. Marschean and Ms. Deschenes attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

**RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

**DECISION:** Upon a motion by Dr. Dalton, and duly seconded by Dr. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to dismiss the matter.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Board adjourned at 4:38 p.m.

*This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

_____ Stephen E. Heretick, J.D., Chair	_____ William L. Harp, M.D., Executive Director
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_____ Date	_____ Date
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**CALL TO ORDER:** A panel of the Board was called to order at 5:30 p.m.

**MEMBERS PRESENT:** Malcolm L. Cothran, Jr., M.D., Chair  
Patrick W. Clougherty, M.D.  
Suzanne M. Everhart, D.O.  
Gopinath Jadhav, M.D.  
Juan M. Montero, II, M.D.  
Gen. Clara Adams-Ender, R.N.

**STAFF PRESENT:** Howard Casway, Sr. Assistant Attorney General, Board Counsel  
Renée S. Dixon, Discipline Case Manager

**PARTIES ON BEHALF OF THE COMMONWEALTH:** Wayne Halbleib, Assistant Attorney General  
Nancy L. Walsh, Adjudication Specialist

**OTHERS PRESENT:** Vicki Fox, Investigator [witness on behalf of Commonwealth]  
Patricia Pade, M.D., Associate Med. Director/HPIP [witness on behalf of Dr. Zedd]

**COURT REPORTER:** Comiller Boyd, Crane-Snead & Associates

**MATTER SCHEDULED:** **Arnold J. Zedd, M.D.** **License No.: 0101-027587**  
**Case No.: 111129**

**COMMONWEALTH'S EXHIBITS:** Exhibits 1-8 admitted into evidence

**RESPONDENT'S EXHIBIT:** Exhibit A admitted into evidence

**PRELIMINARY MATTERS:** 1) Marianna Boyd, Esquire, moved that the Board allow Edward J. Krill, Esquire, to represent Dr. Zedd *pro hac vice* due to their long standing legal relationship and involvement in this case. Hearing no objections, Ms. Boyd's motion was granted.

2) Mr. Halbleib proffered to the Board Stipulations to certain Findings of Fact as agreed upon by he and Mr. Krill. Hearing no objections, the Stipulations were admitted by the Chair and labeled Commonwealth Exhibit #8.

**DISCUSSION:** Dr. Zedd appeared before the Board in accordance with a Notice and Statement of Particulars dated January 19, 2007. He was represented by Edward J. Krill, Esquire and associate Virginia counsel, Marianne Boyd, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Zedd and other witnesses called to testify.

**CLOSED SESSION:** Upon a motion by Dr. Everhart, and duly seconded by Gen. Adams-Ender, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Zedd. Additionally, she moved that Mr. Casway and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

**RECONVENE:** Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

**DECISION:** Upon a motion by Gen. Adams-Ender, and duly seconded by Dr. Everhart, the Board adopted the Findings of Fact as stipulated by the parties and made certain additional Findings of Fact and Conclusions of Law. Further, the Board voted to deny Dr. Zedd's application for reinstatement and ordered that Dr. Zedd

may not petition for reinstatement for at least 2 years from entry of the Board’s Order.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Board adjourned at 7:10 p.m.

*This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.*

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Malcolm L. Cothran, Jr., M.D., Chair

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William L. Harp, M.D., Executive Director

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Date

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Date